

SENATE BILL 1427

By Norris

AN ACT to amend Chapter 43 of the Private Acts of 2001; and any other acts amendatory thereto, relative to the charter of the Town of Collierville.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 43 of the Private Acts of 2001, and any other acts amendatory thereto, is amended in Article III, Section 3.01 by deleting the section in its entirety and by substituting instead the following:

**SECTION 3.01. DATE OF GENERAL TOWN ELECTION.** The general Town election shall be held on the first Tuesday after the first Monday of November of each even-numbered year.

SECTION 2. Chapter 43 of the Private Acts of 2001, and any other acts amendatory thereto, is amended in Article III, Section 3.04 by deleting the section in its entirety and by substituting instead the following:

**SECTION 3.04. CERTAIN POLITICAL ACTIVITY PROHIBITED.** No employee of the Town shall continue in the employment of the Town and hold office as mayor or alderman. Any employee who seeks elected office in the Town shall resign his position effective as of the date of the filing of his nominating petition. For purposes of this section only, a person holding the office of mayor or alderman shall not be considered an employee of the Town.

SECTION 3. Chapter 43 of the Private Acts of 2001; and any other acts amendatory thereto, is amended in Article IV, Section 4.01 by deleting the section in its entirety and by substituting instead the following:

#### **SECTION 4.01. COMPOSITION, ELECTION, TERM OF OFFICE, RE-**

**ELECTION, AND RUNOFFS.** The governing body of the Town shall consist of a mayor and five (5) aldermen to be known officially as the "board of mayor and aldermen," in which is vested all corporate, legislative, and other powers of the Town, except as otherwise provided in this charter. The board of mayor and aldermen shall hereinafter be referred to as the "board."

The mayor and aldermen shall be elected for a term of four (4) years. The aldermen positions shall be numbered one (1) through five (5). Elections for the mayor and aldermen shall be held on a staggered schedule such that the mayor and alderman positions 3 and 5 shall be held on the same election cycle, and elections for alderman positions 1, 2, and 4 shall be held on a different election cycle but simultaneously with one another. At the time of filing a qualifying petition, any candidate for mayor or alderman shall select and designate the one position being sought.

Elections for mayor and aldermen shall be held on the date of the regular state election on the Tuesday following the first Monday of November of even-numbered years.

In all elections, the mayor and aldermen shall be elected from the Town at large. In the event that no candidate receives a majority of the votes cast for a particular office, a runoff election shall be held between the two (2) candidates receiving the largest number of votes for that office. A runoff election shall be held on the first Tuesday after the expiration of thirty (30) days next following the election in which no candidate received the majority of the votes cast for a particular office.

The board, in January of each year, shall elect an alderman to serve as vice mayor for a term of one (1) year. The vice mayor shall be eligible for re-election to such office.

The mayor and any alderman shall be eligible for re-election, subject to the limitations contained in Section 4.03.

SECTION 4. Chapter 43 of the Private Acts of 2001, and any other acts amendatory thereto, is amended in Article IV, Section 4.02 by deleting the section in its entirety and by substituting instead the following:

**SECTION 4.02. TAKING OF OFFICE.** Persons elected to the office of mayor and aldermen shall take office at an Oath of Office Ceremony following certification of their election by the Shelby County Election Commission; provided, however, that in the event of a runoff election, no newly elected member of the board shall take office until after the results of such runoff election are certified, following which all newly elected members of the board shall take office at an Oath of Office Ceremony after such certification. The Town Administrator shall set the date for the Oath of Office Ceremony within fourteen (14) days following certification of the election results by the Shelby County Election Commission.

SECTION 5. Chapter 43 of the Private Acts of 2001, and any other acts amendatory thereto, is amended in Article IV, Section 4.03 by deleting the section in its entirety and by substituting instead the following:

**SECTION 4.03. QUALIFICATIONS FOR OFFICE.** No person shall be eligible to hold the office of mayor or alderman unless he is a qualified voter under the laws of the state of Tennessee, and has been a bona fide resident of the Town for at least twelve (12) months next preceding the election in which he is a candidate.

(a) No individual shall be eligible to be elected or qualified for the offices of mayor or alderman for more than three (3) cumulative four-year terms in the same office, not including parts of terms that could result from appointment to that position or election for less than the full four-year term. For purposes of this section, the offices of mayor and alderman shall be considered separate elected offices, but the offices of vice mayor and alderman shall not be considered separate elected offices.

This term limitation provision shall apply to each office as it becomes open for its next election following the effective date of this amendment. The previous service of an incumbent alderman or mayor (or any other individual who has previously served on the board) shall not count toward the application of these term limits.

(b) Any incumbent in the position of mayor or alderman who files a nominating petition to run for a mayor or alderman position other than his own and whose own position is not up for reelection must, at least thirty (30) days prior to the filing deadline for nominating petitions for the next general Town election, submit a sworn letter of resignation to become effective on the date of the Oath of Office Ceremony following the next general Town election. Such resignation is irrevocable. For purposes of Sections 4.03 and 4.12 of this Article, a vacancy shall exist in the applicable office of mayor or alderman no earlier than the Oath of Office Ceremony following the next general Town election.

SECTION 6. Chapter 43 of the Private Acts of 2001, and any other acts amendatory thereto, is amended in Article IV, Section 4.06 by deleting the first sentence and substituting instead the following:

A quorum for the purpose of conducting business shall be a majority of the membership of the board.

SECTION 7. Chapter 43 of the Private Acts of 2001, and any other acts amendatory thereto, is amended in Article IV, Section 4.07 by deleting the second sentence and substituting instead the following:

Such notice shall be served on the parties entitled thereto, which service may be accomplished by personal delivery, electronic mail, or U.S. mail.

SECTION 8. Chapter 43 of the Private Acts of 2001, and any other acts amendatory thereto, is amended in Article IV, Section 4.08 by deleting, from the first sentence of the second paragraph, the words "except the budget ordinance, which shall be passed as set forth in Section 9.06,".

SECTION 9. Chapter 43 of the Private Acts of 2001, and any other acts amendatory thereto, is amended in Article IV, Section 4.12 by deleting the first paragraph and substituting instead the following:

**SECTION 4.12. VACANCY IN THE OFFICE OF MAYOR, VICE MAYOR OR ALDERMAN.** A vacancy shall exist in the applicable office if the mayor or an alderman resigns, dies, moves his residence from the Town, has been continuously disabled for a

period of six (6) months so as to prevent him from discharging the duties of the office, accepts any federal, state, county, or other municipal office, which is filled by public election, accepts employment with the Town, or is convicted of malfeasance or misfeasance in office, a felony, or a violation of the election laws of the state, or is adjudicated to have violated the charter of the Town. In addition, if the mayor or an alderman fails to attend sixty percent (60%) or more of the regular board meetings in any period of twelve (12) consecutive months, such shall be a reason for declaring a vacancy in the applicable office. The foregoing provisions notwithstanding, the office of any person resigning pursuant to Section 4.03(b) is deemed vacant no earlier than the effective date of the resignation submitted by the official in the person's letter of resignation.

SECTION 10. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the Town of Collierville. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 11. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 10.